

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FERNANDO HERNANDEZ, et al.,

Plaintiffs,

- v. -

THE FRESH DIET INC., et al.,

Defendants.
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ORDER

12 Civ. 4339 (ALC) (JLC)

JAMES L. COTT, United States Magistrate Judge.

In a letter dated July 31, 2013, Plaintiffs request that the Court so-order the deposition of Defendant Zalmi Duchman at their counsels' office in New York City, notwithstanding the fact that Duchman lives in Florida, because defendants have refused to make Duchman available in New York.

In a responsive letter (also dated July 31), Defendants indicate that Duchman will be in New York City until August 26, 2013, and may thus be deposed in New York prior to that date. Defendants also argue that Plaintiffs' July 31 letter is frivolous, and seek Rule 11 sanctions.

As the parties do not appear to have a dispute presently requiring the Court's assistance, they are directed to work together to arrange for Duchman's deposition in New York City prior to August 26, 2013. The request for sanctions is denied.

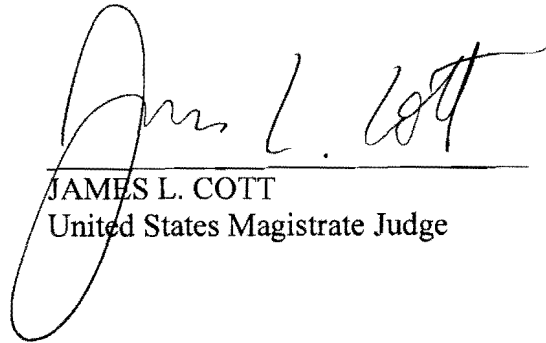
Finally, the Court admonishes the parties to work together more cooperatively than they have been to date. Not every disagreement warrants an application to the Court. The parties are reminded of President Lincoln's instruction: "Discourage litigation. Persuade your neighbors to compromise whenever you can. Point out to them how the nominal winner is often a real loser—

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in fees, expenses, and waste of time. As a peacemaker, the lawyer has a superior opportunity of being a good man. There will be business enough.”¹

SO ORDERED.

Dated: New York, New York
August 2, 2013



JAMES L. COTT
United States Magistrate Judge

¹ See <http://www.abrahamlincolnonline.org/lincoln/speeches/lawlect.htm> (last visited August 1, 2013).